

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff,

v.

THE GREENVILLE RANCHERIA OF
MAIDU INDIANS OF CALIFORNIA,
Defendant.

No. 2:21-CV-00662 WBS KJN

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Amended Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for October 12, 2021, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

The defendant has been served, and no further service is permitted without leave of court, good cause having been shown

under Federal Rule of Civil Procedure 16(b).

II. JOINDER OF PARTIES/AMENDMENTS

No further joinder of parties or amendments to pleadings will be permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992). Defendant intends to submit a motion for leave of court to file a third party complaint against the Feather River Resource Conservation District.¹

III. JURISDICTION/VENUE

Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and 1345, because this action is commenced by the United States and arises under federal common law. Venue is undisputed and hereby found to be proper.

IV. DISCOVERY

The parties have already served the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1).

The parties shall disclose experts and produce reports in accordance with Federal Rule of Civil Procedure 26(a)(2) by no later than June 24, 2022. With regard to expert testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or before July 29, 2022.

All discovery, including depositions for preservation of testimony, is left open, save and except that it shall be so

¹ If the court grants a motion to file a third party complaint, the parties may request a further status conference might be appropriate once all parties have been joined.

1 conducted as to be completed by August 26, 2022. The word
2 "completed" means that all discovery shall have been conducted so
3 that all depositions have been taken and any disputes relevant to
4 discovery shall have been resolved by appropriate order if
5 necessary and, where discovery has been ordered, the order has
6 been obeyed. All motions to compel discovery must be noticed on
7 the magistrate judge's calendar in accordance with the local
8 rules of this court and so that such motions may be heard (and
9 any resulting orders obeyed) not later than August 26, 2022.

10 V. MOTION HEARING SCHEDULE

11 All motions, except motions for continuances, temporary
12 restraining orders, or other emergency applications, shall be
13 filed on or before September 23, 2022. All motions shall be
14 noticed for the next available hearing date. Counsel are
15 cautioned to refer to the local rules regarding the requirements
16 for noticing and opposing such motions on the court's regularly
17 scheduled law and motion calendar.

18 VI. FINAL PRETRIAL CONFERENCE

19 The Final Pretrial Conference is set for December 5,
20 2022, at 1:30 p.m. in Courtroom No. 5. The conference shall be
21 attended by at least one of the attorneys who will conduct the
22 trial for each of the parties and by any unrepresented parties.

23 Counsel for all parties are to be fully prepared for
24 trial at the time of the Pretrial Conference, with no matters
25 remaining to be accomplished except production of witnesses for
26 oral testimony. Counsel shall file separate pretrial statements,
27 and are referred to Local Rules 281 and 282 relating to the
28 contents of and time for filing those statements. In addition to

1 those subjects listed in Local Rule 281(b), the parties are to
2 provide the court with: (1) a plain, concise statement which
3 identifies every non-discovery motion which has been made to the
4 court, and its resolution; (2) a list of the remaining claims as
5 against each defendant; and (3) the estimated number of trial
6 days.

7 In providing the plain, concise statements of
8 undisputed facts and disputed factual issues contemplated by
9 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
10 that remain at issue, and any remaining affirmatively pled
11 defenses thereto. If the case is to be tried to a jury, the
12 parties shall also prepare a succinct statement of the case,
13 which is appropriate for the court to read to the jury.

14 VII. TRIAL SETTING

15 The jury trial is set for January 31, 2023 at 9:00 a.m.
16 The parties estimate that the trial will last ten days.

17 VIII. SETTLEMENT CONFERENCE

18 A Settlement Conference will be set at the time of the
19 Pretrial Conference. All parties should be prepared to advise
20 the court whether they will stipulate to the trial judge acting
21 as settlement judge and waive disqualification by virtue thereof.

22 Counsel are instructed to have a principal with full
23 settlement authority present at the Settlement Conference or to
24 be fully authorized to settle the matter on any terms. At least
25 seven calendar days before the Settlement Conference counsel for
26 each party shall submit a confidential Settlement Conference
27 Statement for review by the settlement judge. If the settlement
28 judge is not the trial judge, the Settlement Conference

Statements shall not be filed and will not otherwise be disclosed to the trial judge.

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

IT IS SO ORDERED

Dated: September 30, 2021



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE